**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**C.W.P. No:52 of 2005**

**Judgment reserved on:20.12.2006**

**Date of decision: 28.12.2006**

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**Shimla Education Society & another** **Petitioners**

**Versus**

**Central Board of Secondary Education** **Respondent.**

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***Coram***

**The Hon'ble Mr. Justice Deepak Gupta, Judge.**

**The Hon'ble Mr.Justice Surinder Singh, Judge.**

***Whether approved for reporting?***[1]

**For the Petitioner: Mr.Rajeev Sharma, Senior Advocate, with Mr.Surinder Sharma, Advocate**

**For the Respondent:M/s Harsh Aggarwal, R.D.Kaundal and Anurag Jain, Advocates.**

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**Deepak Gupta, J.**

The Shimla Education Society and Trust (petitioner No.1) is running a school under the name and style of Hillgrove Senior Secondary Public School (petitioner No.2) at Sheetal Kunj Estate, Kamlanagar, Sanjauli, Shimla-171 006. The school is affiliated to the respondent Central Board of Secondary Education. The petitioner, for the last many years, has been requesting the respondents that petitioner No.2 school may be

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[1] ***Whether the reporters of the local papers may be allowed to see the Judgment?***

declared as an examination centre for classes 10 and 12 examination. This prayer of the petitioners has not been accepted and hence the present petition.

Mr.Rajeev Sharma, learned Senior Advocate, appearing on behalf of the petitioners contends that the school is situated outside the Municipal limits of Shimla. According to him the school is very far away from Shimla city and, therefore, the students of the school face great difficulty while appearing in the annual examination for 10th and 12th classes. He, therefore, submits that the school should be declared a self examination centre. He also submits that the school not being within the municipal limits of Shimla would fall in the category of "Single School Cities" and, therefore, the school itself should be declared as an examination centre. Mr.Sharma has relied upon the report dated 3.1.2005 submitted by Anil Kumar Sharma, SAS Officer of the respondent Board in which the distance from the school to the various localities of Shimla has been given and the distance from the school to Kendriya Vidyalaya, Jakhoo has been shown to be 23 k.m. via Vikas Nagar and 14 k.m. via Sanjauli. He has also relied upon the norms for fixation of examination centres contained in the examination

byelaws issued by the respondent Board and submits that since the petitioner No. 2 school falls within the category of “Single School City”, it should be declared as self examination centre. The relevant byelaws are as follows:-

**33. Norms for Fixation of Examination Centres at places other than Delhi/New Delhi.**

**33.1. General Conditions**

i) For the purpose of fixing the examination centres, cities will be classified under the following three categories:

(a) Single School Cities

(b) Multiple School Cities

(c) Foreign Countries

(ii) Examination centres shall be fixed in any school after considering the availability of appropriate facilities like sufficient number of rooms with ventilation, fan, light and furniture.

(iii) An examination centre shall be created subject to availability of bank/treasury facilities for the safe custody of question papers etc. as per requirement of the Board.

(iv) Except for Single School Cities, students shall have the examination centre other than their own school, as far as practicable.

**33.2 Single School Cities**

(i) Subject to the fulfillment of conditions as given under clause 33.1, the school itself may be the examination centre, provided:

(a) it presents at least 30 candidates for Class X, if it is affiliated upto secondary stage;

(b) it presents at least 50 candidates for classes X and XII taken together, if it is affiliated upto +2 stage;

And

(c ) the school should complete two years of its affiliation to the Board.

(ii) In respect of such schools, the Centre Superintendent and Supervisory staff shall be appointed from among those who are not employees of the school or the trust running it. Centre Superintendent as far as possible, will not be from the same city.

**33.3 Multiple School Cities**

(i) As far as practicable, no school shall be allowed to have the candidates appearing for an examination of the Board at their own school as an examination centre.

(ii) In case of two or more schools presenting candidates for an examination in a city, the students shall be rotated among different centres, avoiding mutual interchange of students between schools as far as possible."

On the other hand, Mr.Harish Aggarwal, Advocate, appearing for the respondent Board submitted that the only interest of respondent Board is to ensure

that examinations are conducted in a fair manner without giving advantage to the students of any particular school. He submits that the experience of the Board has been that private schools which have been declared as self centre(s) encourage cheating amongst their students so that the students get better results. He submits that as a matter of policy, as far as possible, no schools are declared as self centre for examination. He points out that sometimes the situation of a particular school is such that it is virtually impossible for the students of the school to appear in any other school and then the school itself is declared a self centre for examination purposes. It has also been contended that petitioner No. 2 school is situated just on the outskirts of Shimla and the term `city' has been used in a generic manner and the suburbs of the city are included in this general term.

We have given our careful consideration to the case. From a perusal of the norms fixed, and quoted hereinabove, we find that the Board has rightly laid down that as far as practicable the students of a school appearing for an examination of the board should normally appear in some other school as their examination centre. The only exception is in case of Single School Cities.

We are unable to agree with the contention of Mr.Rajeev Sharma, learned Senior Advocate, that petitioner No. 2 school falls in the category of Single School City. The term city means a large town. In our opinion, it obviously not only includes the area falling in the Municipal limits of the city, but also the surrounding suburbs which in general parlance are termed as part of the city. In the present case, even the address given in the petition itself shows that school is situated in Sanjauli, Shimla. This clearly shows that the petitioners themselves describe the school as being a part of Shimla. The school admittedly is situated in a rural area. According to the petitioners the school is situated in village Chamyana. This village can never be termed as a city. It is also an undisputed fact that this village adjoins the Shimla Municipal limits. In our view this school is situated in what is generally known as part of Shimla town. In our considered opinion it cannot be said that the school forms part of a Single School City.

In view of the contention of the respondents that they have no policy of declaring schools as their own centres of examinations we had called upon the counsel for the respondent to give us a list of the examination

centres of the schools in Shimla for the year 2006 and 2007. The list is as follows:-

**Year 2006**

**Centre No. 1501 K.V.Jakhoo Hills Shimla, H.P. for**

1. Dayanand Public School, The Mall, Shimla.
2. DAV Public School, Sector-IV, New Shimla.
3. K.V.Jutogh Cantt. Shimla, H.P.
4. Laureate Public School Bharari, Shimla.
5. Hill Grove Public School, Kamla Nagar, Sanjauli, Shimla.
6. Chapslee School, Shimla.

**Centre No.1503 DAV Public School Sector IV,New Shimla for**

1. K.V.Jakhoo Hills Shimla.
2. Central School for Tibetans Chhota Shimla.
3. DAV Sr.Sec. Public School, Lakkar Bazar,Shimla.
4. DAV Centenary P.S.School Chopal.
5. Saraswati Vidya Mandir, Vikas Nagar, Shimla
6. Hainault Public School, Chhota Shimla.
7. DAV Public School, P.O.Kumarsain, District Shimla.
8. DAV Public School P.O.Hatkoti, District Shimla.

**Year 2007**

**Centre No.1527 K.V.Jakhoo Hills Shimla for**

1. Dayanand Public School, The Mall,Shimla.

2. DAV Public School, Sector-IV-New Shimla.

3. K.V.Jutogh Cantt. Shimla.

4. Hill Grove Public School, Kamla Nagar, Sanjauli,Shimla.

5. Chapslee School, Shimla.

**Centre No. 1528 Central School for Tibetans, Chhota Shimla**
**for**

1. K.V.Jakhoo Hills

2. Laureate Public School, Bharari, Shimla

3. Saraswati Vidya Mandir, Vikas Nagar, Shimla.

4. Hainault Public School, Chhota Shimla.

**Centre No. 1532 DAV Public School Sector IV, New Shimla**
**for**

1. Central School for Tibetans, Chhota Shimla.

2. DAV Public School, Lakkar Bazar, Shimla.

3. DAV Public School, P.O.Hatkoti, Shimla.

A perusal of the material supplied clearly shows that no school in Shimla has been declared as self Centre and the students of one school have to go to some other school for their examinations. As such the allegation of discrimination levelled by the petitioners is also incorrect.

In view of the above discussion, we find no merit in the writ petition which is accordingly dismissed.

( Deepak Gupta ),J.

December 28, 2006(K) (Surinder Singh ), J.